

Report to the Development Review Board

Hearing Date:	August 11, 2016
Application Type:	Minor Subdivision _ Final Plat Review
Landowner:	Robert & Lisa Hill and Burton Rawson
Applicant:	Robert & Lisa Hill

Description:

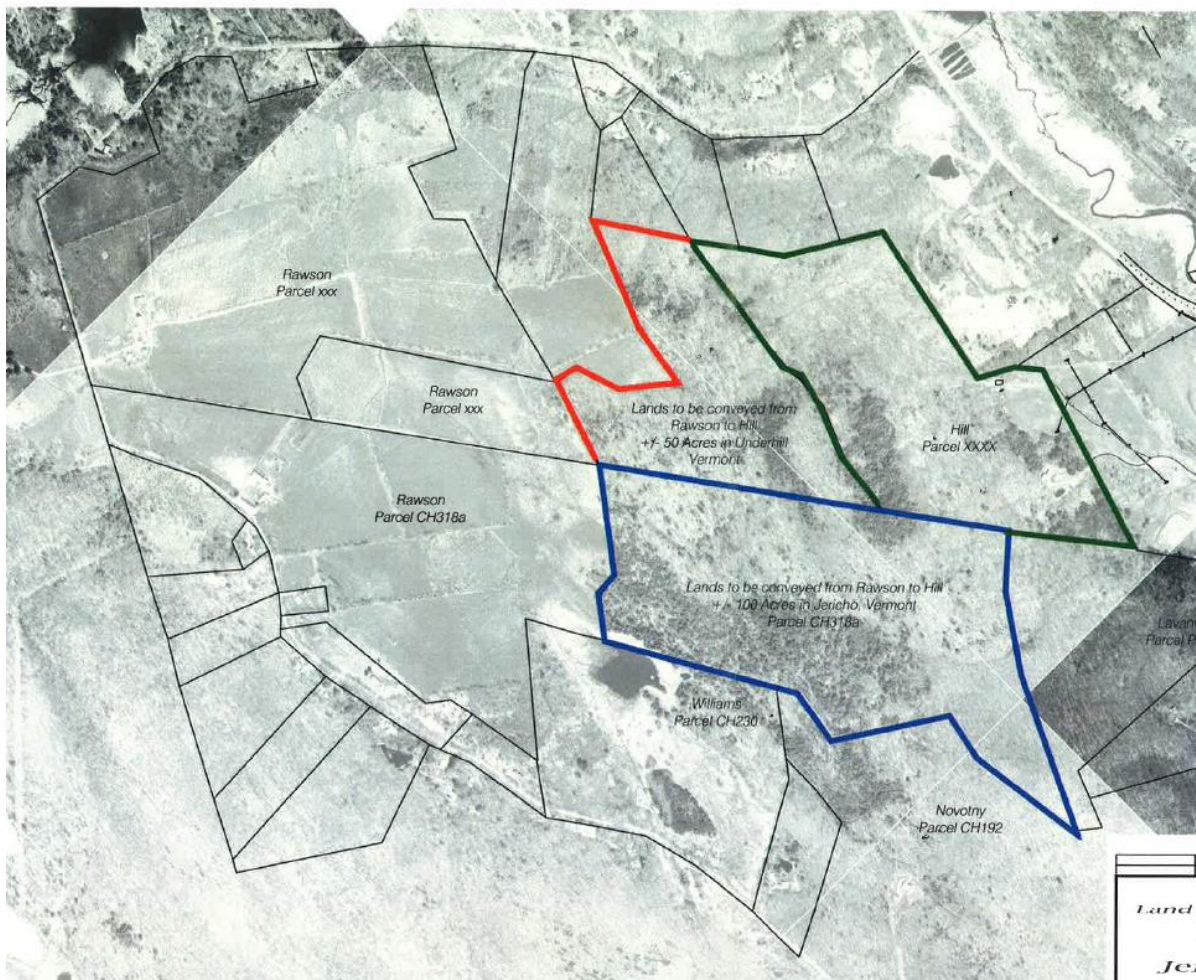
This project is a minor subdivision of ± 99.32 acres to be subdivided and transferred from Burton Rawson at 318 Cilley Hill Road to Robert & Lisa Hill at 485 VT Route 15 in Underhill, VT. This parcel is located in the Agriculture Zoning District a minor. The current use of the parcel is for sugaring, and would continue to be used in this fashion.

Identifying Information:

Location:	318 Cilley Hill Road
Parcel No:	CH318
Total Acreage:	± 173 acres
Zoning Districts:	Agriculture
Existing Use:	Sugar Bush
Proposed Use:	Sugar Bush

Blue outlined area to be conveyed to the Green outlined area below.

Location Map:



Development Review and Comments:

Staff Comments: The property owner's (Rawson) lot consists of 173 acres located within the Agricultural District; they are proposing to subdivided off 99.32 acres and convey that land to an adjacent/abutting land owner thus retaining the remaining acreage. The proposal was reviewed for sketch review in December of 2015 and is being considered a minor subdivision to be reviewed for preliminary/final plat approval. The DRB will review this application under sections 5.2.2 and 10.12.

5.2.2 Lots With No Road Frontage: No land development shall be permitted on lots which do not have frontage on a public or private road, public waters, or, with the approval of the Development Review Board, access to such a road or waters by a permanent easement or Right-Of-Way at least thirty [30] feet in width. The Development Review Board may grant approval according to the following standards: *As proposed this is a conveyance of land to an abutting neighbor who property is contiguous to the subdivided parcel. In zoning terms these lots will now be deemed as one lot 73.46 acres of the original lot will now be joined by the subdivided lot of 99.32 acres. This proposal is not creating a separate new developable lot so section 5.2.2 does not really apply; the DRB if it approves may want to find this as a fact for any decision.*

10.12. Subdivision Review

10.12.3. Minor vs. Major: For the purpose of these regulations, subdivision of land shall be classified by the Zoning Administrator as a minor or major subdivision as follows:

10.12.3.1. Minor subdivisions shall include any subdivision of land, or the resubdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of three [3] or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision. Minor subdivisions shall require final review approval pursuant to Section 10.12.9. *This application is classified as a minor subdivision*

10.12.4. Waiver Authority: *No waiver has been requested.*

10.12.5. Review Standards: *Not applicable*

10.12.8. Preliminary Review: *The DRB may combine both preliminary plat review and final plat review into one hearing; because the nature of this request staff would recommend a combination of the preliminary and final plat.*

10.12.9. Final Review:

(Sections 10.12.9.1 -10.12.9.3) *The submission is within the allotted time frame so it is conformance, section 10.12.8 has been reviewed and followed and 10.12.9.3 is not applicable because no streets are approved or contemplated for reason previously mentioned.*

10.12.9.4. Legal Documents. The final plat application for a minor or major subdivision shall be accompanied by the following legal documents. Should the Development Review Board determine it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant. *Sections 10.12.9.4.1 – 10.12.9.4.5; the applicant should overview how the application deals with these subsection if they are applicable. The DRB if it is to approve the request can also condition the approval to ensure these are incorporated into the legal documents if needed.*

10.12.9.5. Effect of Final Approval.

The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Acceptance of such dedications by the applicant may be accomplished only by a formal resolution of the Selectboard. **If the DRB is inclined it can find the above as a finding of fact that it is not applicable.**

10.12.10. Recording of Final Plat and Other Documents: **The DRB if it is to approve the request it should condition the approval in accordance with section 10.12.10.1 – 10.12.10.3**

Staff Recommendation:

Approve the proposed application with conditions discussed.

NOTE: The applicant has received approval from the Town of Underhill for the portion that falls within Underhill.